

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: McMurray

Serial No.: 10/720,947

Filed: November 24, 2003

Confirmation No.: 1169

Examiner: A. Piziali

Art Unit: 1771

For: **FUNCTIONAL DOUBLE-FACED PERFORMANCE WARP KNIT FABRIC,
METHOD OF MANUFACTURING, AND PRODUCTS MADE THERE FROM**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. 1.132

of Robert Spillane

I, Robert Spillane, declare that:

1. I have been granted the degree of Bachelor of Science in Textile Design, Major in Knitting, Special Major in Warp Knitting, by Philadelphia University.
2. I have more than 43 years of experience in the field of textiles in general and more than 43 years of experience in the field of warp knitting.
3. I have taught a variety of textile courses and spoken at a variety of textile conferences including: Karl Mayer Tricot & Raschel Warp Knitting Design & Analysis Course; WWT Basic Introduction To Textiles, Customized Courses in Elastomeric Fabrics; Philadelphia University, Guest Lecturer Warp Knit Products in Home Textiles; NC State University School of Textiles, Speaker at Conference on Innovation; UNC at Greensboro, Introduction To Textiles; and Fashion Institute NYC, Guest Lecturer Warp Knitting Technology.

4. I have been granted Ten United States Letters Patent for my innovation in and contribution to the textile field.

5. I am currently employed by McMurray Fabrics, Inc. ("McMurray") as the Technical Consultant to the President. I joined McMurray in October, 2002. Prior to joining McMurray, I worked in product development and design at Wyomissing Corporation (now Narrow Fabric Industries) (1964-1971); was Director of Research and Development at Guilford Mill, Inc. (1971-1984); was Corporate Vice President of Research and Development at Guilford Mill, Inc. (1984-1994); was Corporate Vice President of Research and Development at Liberty Fabrics (1995-2001), and served as consultant to Sara Lee Intimates (now Hanes Brands, Inc.) (2001-2002). My current responsibilities at McMurray include providing technical advice; designing and developing new products; troubleshooting production products; and evaluating and procuring specialized textile machinery. I also serve as patent liaison to outside counsel for the majority of McMurray's innovations. As patent liaison, I provide technical support to outside counsel, including drafting technical portions of patent applications, and assisting with the drafting of technical portions of patent applications.

6. In my capacity as patent liaison, I drafted technical portions of the above referenced application detailing the structure of embodiments of the current invention. In particular, I drafted the paragraph beginning on page 23 of the application as filed discussing the stitch evasion construction used in an embodiment of the present invention. In the first sentence of this paragraph I wrote that "The preferred method of knitting used to accomplish the present invention is that of "stitch evasion", a technique seldom practiced but generally known to one skilled in the art of warp knitting." This sentence includes an error made on my part without any deceptive intent.

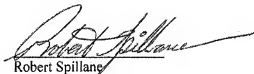
7. I do not believe that stitch evasion is generally known to those of ordinary skill in the textile arts or in the art of warp knitting. Nor am I aware of any references disclosing stitch evasion as taught by the present invention. I went into great detail in the

specification explaining how to construct an embodiment of the present invention using stitch evasion because I believe that that construction to be completely new.

8. I have also reviewed the remainder of the specification, the currently pending claims, the current Office Action and the references cited therein. None of the references disclose stitch evasion generally or disclose or suggest the currently claimed construction.

9. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any registration resulting there from.

Signed this 12th day of July, 2007.


Robert Spillane